

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

RYAN CRAIG STEVENS

Plaintiff,

v.

**MONTREAT COLLEGE;
DR. PAUL J. MAURER;
DR. DANIEL T. BENNETT;
DR. DOROTHEA K. SHUMAN; and
DR. RYAN T. ZWART,**

Defendants.

Case No. 1:23-cv-00284-MR-WCM

**BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO FILE A
THIRD AMENDED COMPLAINT**

Plaintiff, Ryan Craig Stevens, pursuant to Rule 15 of the Federal Rules of Civil Procedure, respectfully moves the Court for leave to file a Third Amended Complaint, “as a matter of course,” and as “the court should freely give leave when justice so requires.”

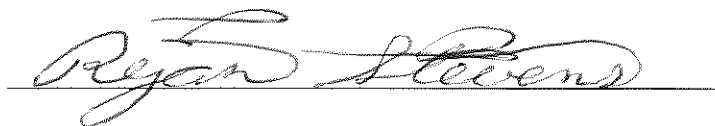
In support of this motion, Plaintiff shows good cause, as follows:

1. Plaintiff filed the Motion for Leave (Doc. 20), dated January 19, 2024, within 21 days from the Second Amended Complaint filing date of December 29, 2023 (Doc. 14), and before Defendants served their answers in which the Individual Defendants’ response was filed on January 30, 2024, 32 days later (Doc. 24), exceeding the 21-day time requirement for a defendant to serve a responsive pleading, resulting in violation of Rule 12(a)(1)(A)(i), constituting failure to appear.
2. Plaintiff’s Motion for Leave was denied, as it “does not indicate that Plaintiff has consulted with defense counsel” and “it is not clear whether Plaintiff seeks leave to file yet another amended complaint, or whether he is seeking retroactive permission to file his Third Amended Complaint” (Doc. 21. p. 5, par. 3).

3. Plaintiff moves to amend the complaint in order to aid in presenting the merits of the case, while correcting errors, and listing the specific state statutes in which it is unclear whether the Court has exercised its discretion to accept supplemental jurisdiction over the state-law claims.
4. On May 1, 2023, Defendants' counsel coerced Plaintiff to file the "[First] Amended Complaint," demanding "the exhibits remain the same (no changes to the Exhibit numbers or additional exhibits)," within 24 non-business hours (Exhibit 1), and coercing him via threatening that if he did not withdraw his motions for entry of default, he would be sued (Exhibit 2, par. 6).
5. On November 3, 2023, the Court ordered Plaintiff to "FILE...a Second Amended Complaint" (Doc. 4).
6. Per the form, Pro Se 1 (Rev. 12/16) Complaint for a Civil Case, the Court directed Plaintiff to only "list the specific federal statutes..." excluding the state-law claims, within his complaint.
7. The Second Amended Complaint was filed on December 29, 2023, as Defendants removed the case from state court to federal court, as it implicates federal question, consisting of factual allegations pertaining to state and federal law, including errors, requiring correction, which may be reasonably amended, upon Court order, at least once, "as a matter of course," and as "the court should freely give leave when justice so requires," pursuant to Rule 15(a)(1) and (2) of the FRCP.
8. It is uncertain as to whether the Court has exercised its discretion to accept, or decline, supplemental jurisdiction over the state-law claims.
9. Granting Plaintiff a Motion for Leave to file a Third Amended Complaint will resolve the issues, which must be reasonably addressed in which it will clearly present the merits of the case.

WHEREFORE, Plaintiff respectfully requests the Court enter an order granting leave to file a Third Amended Complaint on, or before, July 21, 2024, “as a matter of course,” and as “the court should freely give leave when justice so requires.”

Dated this 21st Day of June, 2024.

A handwritten signature in cursive script, reading "Ryan Stevens", written over a horizontal line.

Ryan Craig Stevens

23 Sleepy Hollow Lane
Swannanoa, NC 28778
(865) 469-1950
Ryan_Stevens316@icloud.com

Plaintiff in pro se

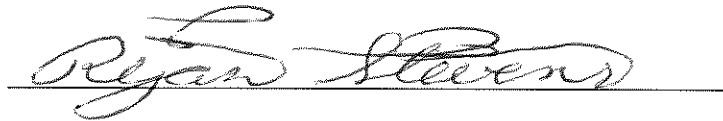
CERTIFICATE OF SERVICE

I, PLAINTIFF, hereby certify the foregoing **MOTION FOR LEAVE TO FILE A THIRD AMENDED COMPLAINT** was filed, this day, via the CM/ECF system, and served contemporaneously via mail and email to Defendants' counsel:

Beth Tyner Jones, N.C. State Bar No. 15923
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Counsel for Defendants, Montreat College, et al.

Dated this 21st Day of June, 2024.

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